

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CHASIDY S. FARMER,

Plaintiff,

v.

Case No. 07-C-433

AMERICAN CYANAMID CO.,  
ARMSTRONG CONTAINERS, INC.,  
CONAGRA FOODS, INC.,  
E.I. DUPONT DE NEMOURS & COMPANY,  
MILLENNIUM HOLDINGS, L.L.C.,  
N.L. INDUSTRIES, INC.,  
ATLANTIC RICHFIELD COMPANY,  
THE SHERWIN-WILLIAMS COMPANY,  
NORTH EAST COMMUNITY LIMITED PARTNERSHIP,  
ABC INSURANCE COMPANY,  
XYZ INSURANCE COMPANY and  
MILWAUKEE COUNTY DEPARTMENT OF HEALTH  
AND FAMILY SERVICES,

Defendants.

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ORDER

On May 10, 2007, defendant American Cyanamid Co. removed this action from state court. In its notice of removal, such defendant alleged that there was complete diversity of citizenship between plaintiff and all properly-joined defendants and that all properly-joined defendants had consented to removal. It noted that there was not diversity of citizenship between plaintiff and defendants North East Community Limited Partnership and Milwaukee County Department of Health and Family Services. However, it asserted that plaintiff had not effected service on the North East Community Limited Partnership within the permissible period and thus it should be dismissed and that the Milwaukee County Department of Health and Family Services had been improperly named as a defendant, as plaintiff intended the DHFS to be joined only as a subrogee of plaintiff.

Plaintiff has not objected to the removal or to defendant's characterization of its claims against the North East Community Limited Partnership or the DHFS. Thus, it appears that plaintiff consents to dismissal of North East Community Limited Partnership and DHFS from this action. Further, plaintiff indeed failed to state a claim against the DHFS and failed to serve North East Community Limited Partnership within the permissible period. As such, I will dismiss these parties without further discussion and thereby assert subject matter jurisdiction over this action.

**THEREFORE, IT IS ORDERED** that North East Community Limited Partnership is **DISMISSED** from this action.

**IT IS FURTHER ORDERED** that Milwaukee County Department of Health and Family Services is **DISMISSED** from this action.

Dated at Milwaukee, Wisconsin, this 15 day of June, 2007.

/s  
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LYNN ADELMAN  
District Judge